

13 March 1981

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NOTE FOR:

SUBJECT: SECOM Project

Prepare a recommendation to DCI to send Intelligence Committees of Hill a strong letter requesting we obtain relief from FOIA.

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- o Use press items
- o Use known errors
- o Use statistics - i.e., number of requests, manhours, etc. (but the thrust should not be costs but security).
- o Review legislative history to see if Congress expected the actual outcome.

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Maybe we can build on whatever the General and Legislative Counsels may have accumulated over the years - positions of DIC's. previous requests for relief sent to Hill etc.

Lets try this out as a staff exercise to see the scope of the thing before we take it to Chairman and SECOM.

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TURN PAGE FOR EDIT

JACK VALENTI

Too Free With Our Information

I spent some time recently in Western Europe chatting with key European officials, including several in the intelligence services of Great Britain and France. They seem persistently nonplussed by peculiarities in the American spirit, centered mostly on our Freedom of Information (FOI) Act and the porous quality it confers on the FBI and the CIA.

As one foreign official put it to me, "I daresay none of my colleagues today would pass on to the Americans sensitive data about the work of our operatives on the Continent - or even hint at anything which would identify agents we have in the field. It would be suicide for our people. It is already deadly to your own."

Another said, "How on earth can you possibly collect and hold intelligence which may slip into foul hands simply because someone you do not know writes in and asks for information? How can you have an intelligence organization that routinely gives away its files passes my understanding?"

It isn't enough, they complain, that material extracted from the FBI and CIA with Freedom of Information requests is put through a sifter that supposedly culls out secret material. They point out that people are processing so many requests that human error makes it literally impossible to expunge all that is not designed to be made public. Slipage is inevitable - and when it happens, the irretrievable occurs.

The intent of the FOI Act is laudable. Light thrown on dark crannies of the government usually illuminates a good many practices that should be corrected. But a balance is required, say these Europeans.

Casual Madness

It is one thing, they point out, to probe the Department of Labor or Transportation for information, but to uncork the files of the FBI and the CIA is a kind of casual, and they hope momentary, madness.

The FBI received some 18,800 requests for information in 1979, and the CIA recorded some 14,000 requests since 1973. No one can be certain how many of the CIA requests come from foreign governments operating through cover names. And there is a difference between sending along a file of newspaper clippings, and parceling out documents with lips blacked out, with no one in the agency quite certain that all that should be excised has been.

Most people would acknowledge that criminals, both organized and unorganized, are filing requests by the long ton to the FBI to learn what the feds may have on them that might be embarrassing or damaging - and to act on what they learn. Fragments of information are as valuable as the complete dossier.

Unhappily, some past events have convinced a good many people that the FBI and the CIA skulk about doing rude acts not countenanced by our own laws. Public suspicion about two enterprises, without whose vigilance we might be more anxious than we are now about our future security, stirs our unease.

In the war against terrorism in Europe, the intelligence services of the West Europeans find it necessary to foresee violent designs before they are hatched. The only known method to do that is to collect information so that if a design is forming it may be thwarted before it occurs - or at the very least to pick up the spoor of those sponsoring the skulduggery before they kill somebody.

An Institutionalized Leak

What the public doesn't know, and probably cannot know until it is too late, is how well our police and intelligence services are prepared to act before some violent deed is done. We have so institutionalized the "leak" in this country that nothing is truly safe from prying eyes. Granted that we may too often stamp Top Secret on a formula for dried milk, granted also that much of what is delivered to someone asking for information is valueless. But it is nonetheless true that in handling literally thousands of requests, brief tapes in scrutiny run throughout the whole costly process.

It is not the cost of handling these requests that should cause us concern. It is the disposition of critical material, often collected at great risk from sources who believe it is sacrosanct, who suddenly discover to their horror and fear that it is not. All of which causes our colleagues in Europe to shake their heads.

This unease among our friends is not evidence of paranoia. As William Burroughs put it, "A paranoid is a man in possession of all the facts."

The work of the FBI and the CIA is by nature shadowy. But they labor to ensure the security of the nation. Most Americans assume that work is going forward with dispatch, skill and diligence. But many European friends of this country are uneasy not so much about the quality of the labor, but of the impermanence of its safety.

One can only pray that the Congress and its oversight committees can figure out some common-sense balance which places off-limits sensitive information which is now leaked or routinely given away. There is legitimacy in the phrase "national security information."

Mr. Valenti is president of the Motion Picture Association of America.